

Feds: All kids, legal or not, entitled to school

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MIAMI (AP) — The U.S. Department of Education sent a letter to districts around the country Friday, reminding them that all students — legal or not — are entitled to a public education.

The letter comes amid reports that schools may be checking the immigration status of students trying to enroll, and reminds districts they are federally prohibited from barring elementary or secondary students on the basis of citizenship status.

"Moreover, districts may not request information with the purpose or result of denying access to public schools on the basis of race, color or national origin," said the letter, which was signed by officials from the department's Office of Civil Rights and the Department of Justice.

"We put this letter out now because we know school districts are in the process of planning for the next school year, and wanted to make sure they had this in hand," said Department of Education spokesman Justin Hamilton. "We were concerned about the number of reports that we've received and heard about, and felt it was necessary to make it clear that this has been the law of the land since Ronald Reagan was president."

A 1982 Supreme Court case, *Plyer v. Doe*, held that states cannot deny students access to public education, whether they are in the U.S. legally or not. The court ruled that denying public education could impose a lifetime of hardship "on a discrete class of children not accountable for their disabling status."

The letter comes as the Office of Civil Rights investigates three complaints, and less than a week before the president is expected to deliver a speech on immigration during a visit to Texas.

The Office of Civil Rights is also currently evaluating a complaint filed last month by the Southern Poverty Law Center against schools in Durham County, North Carolina.

The organization claims discrimination against Latino students. In one instance, a girl attempting to enroll in a district high school was asked for her passport and visa and was told that if she didn't have one, she must be an illegal alien, said attorney Gerri Katzerman.

Ken Soo, a lawyer representing Durham Public Schools, said the district was looking into the complaint and would correct any problems found.

Katzerman said the issue has become increasingly common in the Deep South as demographics change and more Latino families move in.

"We hear from them a very similar experience, where they attempt to enroll and are asked about their immigration status, are asked for documents they don't have, and they basically disappear back into the population without having the opportunity to participate in public education," she said.

Civil rights officials are also investigating a complaint in Hazleton, Pennsylvania, where school officials considered requiring four proofs of residency for new students. The proposal has been changed, though some believe the requirements are still too onerous.

Legislation has been introduced in a number of states this year that would authorize districts to inquire about immigration status when students enroll in the district.

Republican Rep. Becky Nordgren, of Alabama, for example, sponsored a bill that would have required students and their parents to provide proof of citizenship to enroll. She said her district has seen a rise in the number of undocumented immigrants and that this has placed an undue cost on the local government.

"Quite frankly, I believe that these issues need to be addressed," she said.

Nordgren said that her bill stalled after she learned about the 1982 Supreme Court case.

The letter Friday said districts can require students to provide proof of residency within a district, such as phone or water bills, but that immigration status would not be relevant. Districts can also require a birth certificate to confirm a student's age, but cannot bar enrollment if the certificate is from another country. Nor can they deny enrollment if a student does not provide a social security number.

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